REMARKS

In the Office Communication, it was noted that the reply filed on June 8, 2006 was "not fully responsive to the prior Office Action because...applicant's remarks only include an argument to the rejection of claims 5, 13, and 23." It was additionally noted that "[a]pplicant's remarks must discuss the references applied against the claims, explaining how the claims avoid the references or distinguish from them."

Applicant has herein submitted further arguments including the rejection of all claims and discussing the references applied against the claims.

In the prior Office Action, the Examiner noted that claims 1-8, 10-26 and 28-32 are pending in the application and that claims 4-8, 10-13, 15-26 and 28-32 are rejected. By this response, claims 1, 4, 10, 15-16 and 18 have been amended, and new claim 33 has been added. Thus, claims 1-8, 10-26 and 28-33 are pending in the application.

Rejections Under 35 U.S.C., §103

Claims 4-8, 10-13, 15-26 and 28-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Arends et al.* (US 4, 306,474) in view of *Wittek* (US 1,796,417). Applicant traverses this rejection.

In order for the Examiner to establish a *prima facie* case of obviousness, the Examiner must provide 1) one or more references 2) that were available to the inventor and 3) that teach 4) a suggestion to combine or modify the references, 5) the combination or modification of which would appear to be sufficient to have made the claimed invention

obvious to one of ordinary skill in the art. Here, the Examiner has not provided such a teaching or a suggestion to combine or modify the references. In fact, there is a teaching away in *Wittek*.

With respect to claims 4-8. 10-13, 15-26, and 28-32, the Examiner asserts that *Arends* discloses the invention substantially as claimed except for a roller feed assembly including a knock lever mechanism having a lever arm and a follower wheel. The Examiner asserts that *Wittek* discloses a roller feed assembly including a knock lever mechanism having a lever arm and a follower wheel. The Examiner then asserts that it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a roller feed assembly as taught by *Wittek* on the device of *Arrends* as an alternative structure for providing the stepwise advancing of the workpiece. Applicant traverses this assertion. *Wittek* clearly teaches away from the present invention.

More particularly, *Wittek* teaches an automatic feed for a punch press that has a pair of friction rolls and a drive mechanism in combination with a releasable friction clamp for retaining stock that is fed from a coil into a die set when the rolls are separated to keep same from slipping backward of forward and also for straightening the stock as it is fed from a coil into the die set (see page 1, col. 1, lines 21-26). A guide collar 34 is also adjusted against stock 33 to secure the stock during cutting (see page 2, col. 1, lines 12-17). When the friction rolls are released, the friction clamp is engaged while the stock is being punched in order to secure the stock during the punching operation. *Wittek* teaches a releasable friction clamp for clamping coiled stock that is fed into a punch press, in

contrast with the present invention; namely, a roller feed assembly for a product aligning thermoforming trim press that releases a web when cutting articles from the web.

In summary, the rolls in *Wittek* solve a different problem than that of the present invention. Secondly, the present invention is not obvious because *Wittek* teaches away from releasing the stock (or web) during a cutting operation, in combination with the trim press operation of *Arends et al.*

In contrast, the present invention releases a thermoformable web during cutting in order to facilitate self-alignment. *Wittek* teaches a pair of releasable friction rolls and drive mechanism that cooperate with a releasable friction clamp. The friction rolls are released in order to stop advancement of the stock during the punch operation because they rotate continuously. The rolls are merely released in order to stop feeding of the stock, not to free the stock for better alignment during cutting. However, the releasable friction clamp then holds the stock during the punch operation to prevent motion (or self-alignment of the material) during the punch operation. As stated, "...the releasable friction clamp (is provided) for retaining the stock when the rolls are separated to keep same from slipping backward or forward and also for straightening the stock as it is fed from a coil into the die set." (page 1, col. 1, lines 22-26). Hence, *Wittek* teaches away from the present invention in that *Wittek* teaches clamping of the stock during the punch operation. The present invention claims a roller feed assembly that includes "...a drive release mechanism..." that releases the roller feed assemblies from the web (see claim 4) to release the web during cutting to help article alignment.

More particularly, independent claims 4, 10, 15 and 28 each recite "a drive wheel assembly... comprising a pair of roller feed assemblies provided on opposed edges of the web" (claims 5 and 10). Similarly, claim 15 recites, "a drive wheel assembly ...having a pair of roller feed assemblies". Likewise, claim 28 recites, "a drive wheel assembly ...comprising a pair of roller feed assemblies". Claim 15 further recites, "a roller feed release mechanism" that cooperates with the die to release the web from between the pair of roller feed assemblies. Claim 28 also recites, "a primary guide strip disposed adjacent the web guide member, a secondary guide strip spaced from the guide member, and an article detector to detect a position of an article in the web".

Additionally with respect to claims 4-8, independent claim 4 recites, "a drive wheel assembly ...comprising a pair of roller feed assemblies provided on opposed edges of the web...". *Wittek* merely teaches an automatic feed for a punch press with single roller feed assembly provided by rollers 21 and 22 that act along a central portion of a web. However, this placement of the rollers is incompatible with formation of articles centrally within a thermoformed web. Hence, there would be no desirability to make this combination by using the rollers of *Wittek*. Furthermore, the rollers 21 and 22 of *Wittek* are released solely to stop the continuous feeding of the stock as rollers 21 and 22 are continuously driven. *Wittek* then teaches the use of a cooperating releasable friction clamp 38 (see page 2, col. 1, lines 44-50) to rigidly retain the stock during a punch press operation. Additionally, *Wittek* also uses a guide collar 34 that is adjusted to the sides of the stock 33 and

permanently set by tightening set screws in order to rigidly hold stock 33 during a cutting operation.

Applicant's invention provides the opposite; namely, motion of the material being cut in order to provide for self-alignment during the cutting operation. Paragraph [0055], lines 6-10 of the original application states that the knock lever mechanism is opened during the cutting operation to, "...thereby releas(e) respective edges of the web to ensure further centering. Further centering relies on contour features of the individual punches 22 coacting in combination with the shape of in-molded articles in the web to laterally further align such articles relative to each respective punch and die ... ". This feature further cooperates with the optionally claimed guide strips to further accurately guide articles between dies during a severing operation. Nowhere is this feature taught or suggested by the cited prior art.

Furthermore, the Examiner notes that *Arends* fails to teach one or more of the guide strips being spaced from the web guide member by at least four thicknesses of the web. The Examiner then asserts that it would have been an obvious matter of design choice to a person of ordinary skill in the art to provide such a spacing between the web guide member and the guide strip of *Arends* in order to be at least four thicknesses of the web. The Examiner then asserts that the Applicant has not disclosed that the specific spacing provides an advantage, is used for a particular purpose, or solves a stated problem. Applicant traverses this assertion. More particularly, the original filed application at paragraph 57 notes a specific advantage with the spacing in that "...frictional forces...are

significantly reduced." Accordingly, such spacing does provide an advantage as asserted in the original filed application. Additionally, the original filed application provides another advantage at paragraph 52 where, "...little or no contact occurs between guide strip 198 and such web during a processing operation."

Furthermore, by stating that it would have been an obvious matter of design choice, the Examiner has merely made an unsupported statement that aspects of the invention are obvious, or are of "basic knowledge" or "common sense" to one of ordinary skill in the art. Such an unsupported statement is generally insufficient. Applicant requests additional factual findings which underlie the Examiner's legal determination of obviousness. To support such factual finding, Applicant requests that the Examiner provide an affidavit or substantive evidence of such factual findings.

Additionally, the Examiner has asserted that one of ordinary skill in the art would have expected the spacing of *Arends* and Applicant's invention to perform equally well with either arrangement since both arrangements would perform the same function. Applicant traverses this assertion. The Examiner further asserts that it has held that discovering an optimum value of a result effective variable involves only routine skill in the art. Applicant traverses this assertion and asserts that the Examiner has not provided a suggestion to combine or modify the references, and that this is not merely the discovery of an optimum value of a result effective variable involving routine skill in the art. Instead, Applicant has provided a non-obvious solution that reduces frictional forces which then leads to increased operating speeds. Here, the Examiner has failed to provide a suggestion to modify the

references. It is well established that an invention is not obvious where an Examiner has failed to provide a suggestion even if the prior art "could" have been combined (or modified). Nowhere does the prior art appear to provide a motivation for spacing the guide strips in the manner claimed in order to reduce frictional forces (which increases operating speeds). Without such suggestion or motivation, the Examiner has not established a *prima facie* case of obviousness. Accordingly, the rejection to the above-referenced claims under 35 U.S.C. § 103(a) is believed to be overcome. Accordingly, action to that end is respectfully requested.

Withdrawal of this rejection is respectfully requested.

Allowed and Allowable Claims

Applicant respectfully thanks the Examiner for the allowance of claims 1-3. Furthermore, claim 14 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §103(a), as stated in the instant Office Action and to include all of the limitations of the base claim and any intervening claims.

Applicant respectfully acknowledges the Examiner's allowance of claims 1-3, and the allowability of claim 14 (and put in independent form). Applicant reserves the right to later place claims 1-3 and 14 in such allowed form before the Examiner. However, independent claims 1, 4, 10, and 15 have been amended to recite variously a "roller feed release mechanism" or a "drive release mechanism" in substitution for the "knock lever

mechanism". Such amended claims are still believed to be allowable over the prior art of record and action to that end is respectfully requested.

CONCLUSION

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance, and action to that end is respectfully requested. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the undersigned respectfully requests a telephone interview before issuance of any such subsequent action.

Respectfully submitted,

Dated: 9/28/06

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